

REMARKS

The present amendment is submitted in response to the Office Action dated May 5, 2010, which set a three-month period for response, making a response due by August 5, 2010.

Claims 1-6, 8-13, 15-20, and 22-26 are pending in this application.

In the Office Action, claims 9 and 19 were objected to for informalities. Claims 1-15, 17-22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,456,222 to Agne in view of U.S. PG Pub 2003/0099176 to Okada. Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 4 and further in view of U.S. Patent No. 6,736,062 to Frank et al. Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada as applied to claim 10 and further in view of U.S. PG Pub 2001/0018872 to Tokiwa. Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Agne and Okada, and further in view of U.S. Patent No. 5,089,759 to Miotke and U.S. Patent No. 5,335,597 to Helmstädter.

In the present amendment, claim 1 has been amended to more clearly define the invention over the cited reference combination, taking into account the Examiner's comments on pages 2-3 of the Office action, specifically, by defining more clearly the structure of the device.

Amended claim 1 includes the features of claims 7, 21, and 14, which have been canceled, as well as features from the specification relating to the drive control unit on page 5, third paragraph, of the original specification.

Neither Agne nor Okada discloses at least two units having separate drives and driven by separate drive motors, wherein said separate drives are connected to one another, AND a drive control unit that is configured to transmit as a present reference value the leading axle position to the separate drives.

Rather, as the Examiner states on page 10 of the present Office Action, Agne teaches presetting a position by a drive control unit – however, the drive control unit “is the entire drive controlling apparatus shown in the figure in Agne and the drive device is set to control the positions of the drive”. Agne does not disclose specifically setting the positions of the leading axles or controlling more than one drive, the drives being connected to one another, as claimed. The same applies to Okada.

The claims as amended therefore are not rendered obvious by the cited combination, since neither reference discloses or suggest the above features. To establish a *prima facie* case of obviousness, three basic criteria must be satisfied: (1) a suggestion or motivation to modify the cited reference or to combine the teachings in the cited references; (2) a reasonable expectation of success; and (3) the cited references must teach or suggest all the claim limitations. The cited reference “must expressly or impliedly suggest the claimed invention.” As provided in MPEP §2143.01, the “mere fact that references can

be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”

The application as amended is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", with a stylized flourish extending to the right.

Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700